

**IN THE CLAIMS**

1. (Currently Amended) A non-aqueous electrolyte secondary cell comprising:  
a cathode employing a cathode active material containing a compound of the olivinic  
structure having the formula  $\text{Li}_x\text{Fe}_{1-y}\text{M}_y\text{PO}_4$ , wherein M is at least one selected from the  
group consisting of Zn, Al, Ga, Mg, and, with  $0.05 \leq x \leq 1.2$  and  $0 \leq y \leq 0.8$ [[;]], and wherein the  
cathode has a width;

an anode having a width; and

an electrolyte solution; said cathode, anode and the electrolyte solution being housed in a  
container[[;]], wherein the amount of said electrolyte solution is adjusted to provide a void in  
said container of not less than 0.14 cc and not larger than 0.21 cc per 1Ah of the cell capacity,  
and wherein a difference t between the width of the anode and the width of the cathode is 0.05  
mm to 0.2 mm.

2. (Original) The non-aqueous electrolyte secondary cell according to  
claim 1 wherein said cathode active material contains a composite material of said compound  
and a carbon material.

3. (Original) The non-aqueous electrolyte secondary cell according to  
claim 1 wherein said anode contains a carbonaceous material as an anode active material.

4. (Original) The non-aqueous electrolyte secondary cell according to  
claim 1 wherein a strip-shaped cathode material and an anode material are layered together via a  
separator and are wound a plural number of times to form a cell device, said cell device being  
housed in a cell can as said container.

5. (Original) The non-aqueous electrolyte secondary cell according to claim 4 wherein said cathode material includes a cathode current collector on each side of which a layer of a cathode active material containing a cathode active material is formed and wherein said anode material includes an anode current collector on each side of which a layer of an anode active material containing an anode active material is formed.

6. (Original) The non-aqueous electrolyte secondary cell according to claim 5 wherein said layer of the cathode active material is formed of an LiFePO<sub>4</sub> carbon composite material composed of said compound and a carbon material.

7. (Previously Presented) The non-aqueous electrolyte secondary cell according to claim 6 wherein the carbon content per unit volume in said LiFePO<sub>4</sub> carbon composite material is not less than 3 wt%.

8. (Previously Presented) The non-aqueous electrolyte secondary cell according to claim 6 wherein the carbon material of said LiFePO<sub>4</sub> carbon composite material has a strength-to-area ratio of a diffraction line appearing at the number of waves of 1570 to 1590 cm<sup>-1</sup> (G peak) to a diffraction line appearing at the number of waves of 1340 to 1360 cm<sup>-1</sup> (D peak) of the Raman spectrum in Raman spectrometry, or a(D/G), equal to 0.3 or higher.

9. (Previously Presented) The non-aqueous electrolyte secondary cell according to claim 6 wherein the powder density of said LiFePO<sub>4</sub> carbon composite material is not less than 2.2 g/cm<sup>3</sup>.

10. (Previously Presented) The non-aqueous electrolyte secondary cell

according to claim 6 wherein the Bullnauer Emmet Teller specific surface is not less than 10.3 m<sup>2</sup>/g.

11. (Previously Presented) The non-aqueous electrolyte secondary cell

according to claim 6 wherein the first-order particle size of said LiFePO<sub>4</sub> carbon composite material is not larger than 3.1  $\mu$ m.

12. (Previously Presented) The non-aqueous electrolyte secondary cell

according to claim 1 wherein said non-aqueous electrolyte is a non-aqueous electrolyte solution composed of an electrolyte dissolved in a non-aqueous protonic solution.

13. (Previously Presented) The non-aqueous electrolyte secondary cell

according to claim 1 wherein said non-aqueous electrolyte is a solid electrolyte.